IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
and
THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No.1277 of 2004

Between:

1. Y. Brahmanandam S/o Venkat Reddy Naidu,
   Cultivation, R/o Bendamurulanka, Allavaram Mandal, East Godavari District.
2. G. Venkata Ramaiah S/o Narayana Murthy,
   Cultivation R/o Bendamurulanka, Allavaram Mandal, East Godavari District.
3. G. Venkata Ramakrishna Rao, S/o.Appaji Rao,
   Cultivation R/o Bendamurulanka, Allavaram Mandal, East Godavari District.
4. Ch. Latchi Raju S/o Ch. B. Venkatapathi Raju,
   Cultivation R/o Komaragiripatnam, Allavaram Mandal, East Godavari District.
5. D. Venkata Raju Gopala Raju S/o D.B. Venkatapathi Raju,
   Cultivation R/o Komaragiripatnam, Allavaram Mandal, East Godavari District.

.....
PETITIONERS.

AND

1. The Assistant Engineer Irrigation (Conservancy) Department,
P. Gannavaram Mandal, East Godvari District.
2. The Asst. Executive Engineer Irrigation Departmetn, Amalapuram,
East Godavari District .
3. Superintending Engineer Irrigation Department, Godavari Central Division, Davaleswaram, Rajahmundry, East Godavari District.
4. The Mandal Revenue Officer Allavaram Mandal, East Godavari District
5. The Revenue Divisional Officer, Amalapuram, East Godavari District
6. The District Collector, Kakinada, East Godavari District

7. the Acqua Culture Authority rep by Asst. Director of Fisheries Kakinada, East Godavari District.

.....RESPONDENTS.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of a Writ of Mandamus by declaring the action of the respondents in not taking steps for removing the illegal salt water prawn tanks and prevent the illegal prawn culture and the illegal drawing of water from the Kousika Channel System as illegal, arbitrary and violative of Article 21 of the Constitution of India and against to the directions of the Supreme Court of India and consequently direct the respondents to stop prawn culture across the Kousika Channel System in between bed and the drawing of water from Kousika Channel System for the said illegal prawn tanks.

For the Petitioner: MR.V. AJAYAKUMAR

For the Respondent Nos. 1 to 3: G.P.FOR IRRIGATION & COMM. AREA DEV.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice Sri Devinder Gupta)

Ex-President of Komaragiripatnam Water Users Association and the farmers cultivating their lands under the ayacut of Benda Canal and Kousika Channel System filed this writ petition terming it as public interest litigation and thereby sought a mandamus to the respondents for removal of the alleged illegal salt water prawn tanks and prevent the illegal prawn culture and the illegal drawing of water from Kousika channel system in between the Vynateya river bund to river bed. They pointed out that on 10-11-2003 a representation had been submitted, but no action has been taken by the respondents.

N.V.S. Ranga Prasada Rao, Assistant Enginner, Irrigation (Conservancy) Department, P.Gannavaram Mandal has filed affidavit

in reply questioning the *locus standi* of the petitioners. It is stated that the petitioners have not mentioned about the property particulars or particulars of the land under the ayacut of Benda Canal and Kousika channel system. After mentioning the details, it is stated that river bund (Etigattu) and the riverbed are under the control of the Irrigation Conservancy Department. It is denied that any illegal prawn culture was being done by some persons. Respondents further stated that prawn culture was being done after obtaining permission from the Aqua Culture authority, but there was no prawn culture going on near the Etigattu canal. Adequate precautions have been taken to prevent laying of pipe lines across Etigattu and making holes and spoiling the bunds. Respondents further stated that they did not receive any representation. This reply was filed on 10-3-2004 by the respondents with advance copy to the petitioners, who sought time to file reply. Reply has not been filed till date.

In view of the affidavit in reply, we do not find it a fit case to issue any direction in the matter since there is no illegality committed by the respondents.

The writ petition therefore, is, dismissed.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

ARS/**VR**.

To

1. The Assistant Engineer Irrigation (Conservancy) Department,
P. Gannavaram Mandal, East Godvari District.

2. The Asst. Executive Engineer Irrigation Departmetn, Amalapuram, East Godavari District .
3. Superintending Engineer Irrigation Department, Godavari Central Division, Davaleswaram, Rajahmundry, East Godavari District.
4. The Mandal Revenue Officer Allavaram Mandal, East Godavari District
5. The Revenue Divisional Officer, Amalapuram, East Godavari District
6. The District Collector, Kakinada, East Godavari District
7. The Assistant Director of Fisheries, the Acqua Culture Authority, Kakinada, East Godavari District.

8. Two CCS to Govt. Pleader for Irrigation & Command Area Development, High Court Bldgs., Hyderabad.
9. Two CD copies.